

**2011 DRAFTING REQUEST****Bill**Received: **11/04/2010**Received By: **agary**Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**By/Representing: **Byrnes**

May Contact:

Drafter: **agary**Subject: **Transportation - driver licenses**

Addl. Drafters:

Extra Copies: **EVM**Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

DOA:.....Byrnes, BB0123 -

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**Topic:**

Allow DOT to issue non REAL ID compliant products

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 11/09/2010	kfollett 11/11/2010		_____			State
/P1			mduchek 11/12/2010	_____	mbarman 11/12/2010		State
/1	agary 11/23/2010	kfollett 11/23/2010	rschluet 11/23/2010	_____	lparisi 11/23/2010		State
	agary 02/09/2011	jdye 02/10/2011		_____			

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/2			jfrantze 02/10/2011	_____ _____	cduerst 02/10/2011		State
/3	agary 02/18/2011	csicilia 02/18/2011	phenry 02/18/2011	_____ _____	lparisi 02/18/2011		State
/4	agary 02/21/2011	jdye 02/21/2011	mduchek 02/21/2011	_____ _____	mbarman 02/21/2011		

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/1	agary 11/23/2010	kfollett 11/23/2010	rschluet 11/23/2010	_____	lparisi 11/23/2010		State
	agary 02/09/2011	jdyer 02/10/2011	<i>JD</i> 2/21	_____			

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### **Bill**

Received: **11/04/2010**

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Transportation**

By/Representing: **Anna Richter**

May Contact:

Drafter: **agary**

Subject: **Transportation - driver licenses**

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Anna.Richter@dot.wi.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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#### **Pre Topic:**

No specific pre topic given

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#### **Instructions:**

See attached

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May Contact:

Drafter: **agary**

Subject: **Transportation - driver licenses**

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Anna.Richter@dot.wi.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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1/?	agary	1/11/11 11/11	11/11/11 11/11	→ 10mpt			

FE Sent For:

<END>

## Gary, Aaron

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**From:** Richter, Anna - DOT [Anna.Richter@dot.wi.gov]  
**Sent:** Thursday, November 04, 2010 11:26 AM  
**To:** Gary, Aaron; Mueller, Eric  
**Subject:** REAL ID Non Budget Issue also a Budget Issue

**Attachments:** s5635503.docx; NB-1113-01.docx

Hello,

As part of our non-budget legislative package in August, we sent over a proposal to allow DOT to issue both REAL ID-compliant and non-compliant products once the Department begins to issue REAL ID-compliant products. I've attached the form we submitted below. Just wanted to let you know that we will be including a stat. mod. request for this in our budget submission as well. I've attached what we'll be including below.

Thanks,  
Anna



s5635503.docx (19 NB-1113-01.docx  
KB) (19 KB)

# **Department of Transportation 2011-13 Biennial Budget Request STATUTORY MODIFICATIONS**

**DIN NUMBER:** 5503

**TOPIC:** REAL ID Implementation

## **DESCRIPTION OF CHANGE:**

The REAL ID Act of 2005 was signed into law on May 11, 2005 and created national standards for the issuance of state driver licenses and state identification (ID) cards. In January 2008, the federal Department of Homeland Security (DHS) published final rules providing direction to licensing jurisdictions on implementation issues. The deadline for states to fully comply with REAL ID was extended to May 2011.

The Federal Act allows states to issue both REAL ID-compliant and non-compliant driver licenses and ID cards as long as the compliant products include the appropriate symbol and the non-compliant cards are marked as such. However, the REAL ID provisions in 2007 Act 20, which will be enacted at the Department of Transportation Secretary's discretion, do not contain the authority for issuance of a non-compliant driver license or ID card once the Department begins issuing compliant products.

The Department requests authority to continue to issue non-compliant products for applicants who are not able to, or choose not to, enroll in REAL ID. This will require a statutory modification to Chapter 343, Wis. Stats., to create a subsection in subchapter II and subchapter V that allows for a drivers license or ID card to be issued to someone that has not provided a complete application as specified in s. 343.14, Wis. Stats.

The effective date of these changes is the effective date of REAL ID provisions in 2007 Wisconsin Act 20.

## **JUSTIFICATION:**

The federal rules for REAL ID published by the DHS in January 2008 allow states to continue to issue a non-compliant drivers license or ID card as long as it is clearly marked as non-compliant. Although permitted by federal law, Wisconsin will not be able to issue non-compliant products since once the Department begins issuing compliant products, the Department will only be able to issue compliant products.

The experience of other states that have implemented REAL ID shows that there will be a number of citizens who are currently eligible for a Wisconsin drivers license or ID card, but will be unable to provide the federally-required documentation to obtain a REAL ID-compliant product. For example, someone who immigrated legally a long time ago but does not have the required documentation will not be able to receive a product. Also, a woman who has been married multiple times but cannot provide proof of each marriage to demonstrate her progression of name changes as required by REAL ID will not be able to obtain a REAL ID-compliant product either. Additionally, there will be citizens who have concerns about the federally mandated program and will be unwilling to obtain a compliant product. Allowing the Department to issue these individuals a non-compliant product will allow them to continue to have an identification document and driving credentials, although the documentation will not be sufficient for air travel or enter a federal building. Modifications need to be made to Chapter 343, Wis. Stats. to allow the Department to issue both compliant and non-compliant drivers licenses and identification cards.



State of Wisconsin  
2011 - 2012 LEGISLATURE

in  
11/9



LRB-0028/E1

ARC:kjf:jf

0321/p1

PMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Agency Budget Request

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Reger

1 AN ACT ~~to amend~~ 85.103 (2), 134.71 (8) (a) 2., 139.30 (4n), 340.01 (41g), 343.03  
2 (3) (f), 343.06 (1) (c), 343.07 (7) (a) and (b), 343.085 (2m) (a) 1. b., 343.09 (1) (e),  
3 (6) and (7), 343.17 (1), 343.19 (title), 343.19 (1), 343.19 (2) (intro.), 343.235  
4 (title), 343.237 (title), 343.237 (6) and 343.43 (2); **to repeal and recreate**  
5 343.22 (2), 343.22 (2m), 343.22 (3), 343.237 (2) and 343.237 (3) (intro.); and **to**  
6 **create** 125.085 (1) (f), 343.03 (3) (g), 343.07 (1j), 343.09, 343.17 (3) (a) 14.,  
7 343.19 (2) (e) and 343.505 of the statutes; **relating to:** <sup>the budget</sup> the issuance of driver  
8 cards, driver card instruction permits, and identification certificates by the  
9 Department of Transportation, requiring the exercise of rule-making  
10 authority, making an appropriation, and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, as a result of 2005 Wisconsin Act 126, an applicant for an operator's license or identification card must present documentary proof that the person is either a United States citizen or legally present in the United States. The Department of Transportation (DOT) may not issue an operator's license to an applicant who has not provided this documentary proof of citizenship or legal presence. If documentary proof provided by a noncitizen includes an end date for the

insert  
ANAL

person's authorized legal presence in the United States, an operator's license or identification card issued to the person must expire no later than the date on which the person's authorization to be legally present in the United States ends.

Under current federal law, the REAL ID Act of 2005 (REAL ID Act) prohibits a federal agency from accepting for any "official purpose," including boarding commercial aircraft and entering federal buildings, an operator's license or identification card issued by a state unless the state satisfies requirements contained in the REAL ID Act. The REAL ID Act allows states to issue operator's licenses and identification cards that are not compliant with REAL ID standards if they clearly state on their face that they cannot be accepted by any federal agency for federal identification or any other official purpose and if they use a unique design or color indicator to alert federal agency and other law enforcement personnel that they are not REAL ID compliant. While the provisions of the REAL ID Act became effective on May 11, 2008, the federal Department of Homeland Security (Homeland Security) regulations promulgated under the REAL ID Act gave states additional time to implement the REAL ID standards. The 2007 biennial budget act, 2007 Wisconsin Act 20, contained provisions incorporating into state law requirements contained in the REAL ID Act. However, most of these provisions are subject to a contingent effective date; the provisions do not become effective until the date specified in a notice provided by DOT after DOT has determined that it is ready to fully implement the REAL ID Act. DOT has not yet provided this notice.

After DOT provides this notice and these provisions of REAL ID become effective, they will require DOT to significantly modify its process for issuing operator's licenses and identification cards and DOT cannot issue or renew an operator's license or identification card unless the applicant provides, and DOT verifies, all of the following information: 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) valid documentary proof that the individual is a citizen or national of the United States or an alien lawfully admitted for permanent or temporary residence in the United States or has any other specified forms of legal status or authorization. In processing the application, DOT must verify each document provided and must capture a digital image of each document, which must be retained for at least ten years. For certain legally present noncitizen applicants, DOT must issue operator's licenses or identification cards displaying, on the front of the license or card, a legend identifying the license or identification card as temporary. These licenses and identification cards must expire on the date that the person's legal presence in the United States is no longer authorized or, if there is no end date for the person's authorized legal presence, one year after the date of license or identification card issuance. These licenses and identification cards cannot be renewed unless the applicant provides documentary proof showing that Homeland Security extended the status by which the applicant qualified for the license or identification card.

This bill requires DOT to issue “driver cards,” authorizing only the operation of “Class D” vehicles (generally automobiles and light-duty trucks), to applicants who: 1) are at least 18 years old or have held a driver card instruction permit for at least six months; 2) meet the knowledge and driving skills testing requirements applicable for issuance of operator’s licenses for “Class D” vehicles; 3) provide proof of identity; 4) provide proof that they have been Wisconsin residents for at least six months; 5) are unable to provide the documentary proof (as established under 2005 Wisconsin Act 126 and as established under 2007 Wisconsin Act 20 after implementation of REAL ID) that they are either United States citizens or legally present in the United States; 6) provide valid individual taxpayer identification numbers; and 7) are not eligible for social security numbers. The document storage and verification requirements imposed for operator’s license applicants after the implementation of REAL ID may not be imposed for driver card applicants.

Driver cards must be labeled as such and must clearly state on their face that they may not be accepted by any federal agency for federal identification or any other official purpose. Driver cards must also have a unique design or color indicator that clearly distinguishes them from other operator’s licenses or identification cards issued by DOT and that alerts federal authorities that they are not REAL ID compliant. A driver card is issued for a two-year period and must be renewed every two years thereafter. The fee for issuance and renewal of a driver card is the same as that applicable to other operator’s licenses, although the valid period is shorter.

DOT must also issue driver card instruction permits to persons who are at least 15 and one-half years old, who have passed any knowledge test required by DOT, and who, except for age or lack of training, are qualified to obtain a driver card. The operating restrictions for driver card instruction permits are similar to those applicable to other instruction permits.

DOT must promulgate rules specifying the standards for the issuance of driver cards and driver card instruction permits, including standards for proof of residency and proof of identification.

This bill also creates an identification certificate to be issued by DOT beginning at the time that DOT implements the provisions of the federal REAL ID Act. A person is eligible for an identification certificate if the person is a Wisconsin resident and does not possess a valid operator’s license, driver card, or identification certificate issued by DOT. Identification certificates must be the same size as an operator’s license but must be of a design that is readily distinguishable from the design of operator’s licenses and identification cards. Each identification certificate must bear the words “IDENTIFICATION CERTIFICATE.” As required by the federal REAL ID Act, identification certificates must clearly state on their face that they may not be accepted by any federal agency for federal identification or any other official purpose and must use a unique design or color indicator to alert federal agency and other law enforcement personnel that they may not be accepted for any such purpose. Each identification certificate must include a color photograph unless the identification certificate applicant provides an affidavit containing specified information, including that the applicant has a sincerely held religious belief against



being photographed. An identification certificate is valid for eight years and the fee for an identification certificate is \$18.

The bill treats an identification certificate similarly to an identification card for some purposes and differently from an identification card for other purposes. The security standards for issuance of an identification certificate are not as strict as the standards applicable to an identification card after implementation of the federal REAL ID Act. However, for most purposes, an identification certificate has the same status as an identification card.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

✓  
SECTION 1. 85.103 (2) of the statutes is amended to read:

85.103 (2) The department shall include on any form for application for original registration under s. 341.08, for application for renewal of registration under s. 341.08, for application for a certificate of title under s. 342.06, for application for a license or identification card or renewal of a license or identification card under s. 343.14, for application for an identification certificate or renewal of an identification certificate under s. 343.505 (2), and for application for a special identification card under s. 343.51, a place for the individual to designate that the individual's personal identifiers may not be disclosed in information compiled or maintained by the department that contains the personal identifiers of 10 or more individuals, a statement indicating the effect of making such a designation and a place for an applicant or registrant who has made a designation under this subsection or sub. (3) to reverse the designation.

✓  
SECTION 2. 125.085 (1) (f) of the statutes is created to read:

125.085 (1) (f) An identification certificate issued under s. 343.505.

✓  
SECTION 3. 134.71 (8) (a) 2. of the statutes is amended to read:

134.71 (8) (a) 2. A state identification card or identification certificate.

✓  
1       **SECTION 4.** 139.30 (4n) of the statutes is amended to read:

2       139.30 **(4n)** "Government issued identification" includes a valid driver's  
3       license, state identification card or identification certificate, passport, or military  
4       identification. ✓

5       **SECTION 5.** 340.01 (41g) of the statutes is amended to read:

6       340.01 **(41g)** "Operator's license" means the authorization granted to a person  
7       by this state, another jurisdiction or certain countries to operate a motor vehicle,  
8       including a driver's license, driver card, temporary or restricted license, or an  
9       instruction permit. ✓

10       **SECTION 6.** 343.03 (3) (f) of the statutes is amended to read:

11       343.03 **(3)** (f) *Probationary license*. If s. 343.085 applies, the license shall be  
12       labeled "Probationary" or a readily recognizable abbreviation thereof instead of as  
13       provided in par. (a) or (c) and, if the license is a driver card, in addition to as provided  
14       in par. (g). This paragraph does not apply to a license authorizing the operation of  
15       commercial motor vehicles. ✓

16       **SECTION 7.** 343.03 (3) (g) of the statutes is created to read:

17       343.03 **(3)** (g) *Driver card*. A license issued under s. 343.09 shall be labeled  
18       "Driver Card" or a readily recognizable abbreviation thereof and shall satisfy the  
19       requirements specified in s. 343.09(2). ✓

20       **SECTION 8.** 343.06 (1) (c) of the statutes is amended to read:

21       343.06 **(1)** (c) To any person under age 18 unless the person is enrolled in a  
22       school program or high school equivalency program and is not a habitual truant as  
23       defined in s. 118.16 (1) (a), has graduated from high school or been granted a  
24       declaration of high school graduation equivalency, or is enrolled in a home-based  
25       private educational program, as defined in s. 115.001 (3g), and has satisfactorily

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5-4 →

1 completed a course in driver education in public schools approved by the department  
2 of public instruction, or in technical colleges approved by the technical college system  
3 board, or in nonpublic and private schools or tribal schools, as defined in s. 115.001  
4 (15m), that meet the minimum standards set by the department of public  
5 instruction, or has satisfactorily completed a substantially equivalent course in  
6 driver training approved by the department and given by a school licensed by the  
7 department under s. 343.61, or has satisfactorily completed a substantially  
8 equivalent course in driver education or training approved by another state and has  
9 attained the age of 16, except as provided in s. 343.07 (1g) and (1j). The department  
10 shall not issue a license to any person under the age of 18 authorizing the operation  
11 of "Class M" vehicles unless the person has successfully completed a basic rider  
12 course approved by the department. The department may, by rule, exempt certain  
13 persons from the basic rider course requirement of this paragraph. Applicants for  
14 a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider  
15 or driver training course requirement. The secretary shall prescribe rules for  
16 licensing of schools and instructors to qualify under this paragraph. The driver  
17 education course shall be made available to every eligible student in the state.  
18 Except as provided under s. 343.16 (1) (bm) and (c) and (2) (cm) to (e), no operator's  
19 license may be issued unless a driver's examination has been administered by the  
20 department.

✓

21 **SECTION 9.** 343.07 (1j) of the statutes is created to read:

22 **343.07 (1j) PERMIT FOR DRIVER CARD APPLICANTS.** Upon application therefor by  
23 a person at least 15 years and 6 months of age who, except for age or lack of training  
24 in the operation of a motor vehicle, is qualified to obtain a driver card under s. 343.09  
25 and has passed such knowledge test as the department may require, the department

1 may issue a driver card instruction permit. The permit entitles the permittee to  
2 operate a "Class D" vehicle upon the highways. A permittee under this subsection  
3 is subject to all of the restrictions specified in sub. (1g) (a) to (e), except that, with  
4 respect to sub. (1g) (a) (intro.), a permittee under this subsection may be  
5 accompanied by a person who holds a driver card issued under s. 343.09 or by a  
6 person who holds a valid regular license. An applicant under this subsection is  
7 subject to all applicable fees specified in s. 343.21 (1). A driver card instruction  
8 permit shall satisfy all requirements for driver cards specified in s. 343.09 (2) and  
9 any provision specified in s. 343.09 (6) shall not apply with respect to a driver card  
10 instruction permit.

11 **SECTION 10.** 343.07 (7) (a) and (b) of the statutes are amended to read:

12 343.07 (7) (a) Notwithstanding s. 343.43 (1) (d) and (3m), any person who  
13 violates sub. (1g) (a), (bm), or (d), (1j), or (4) (b) 1. or 2. shall be required to forfeit \$50  
14 for the first offense and not less than \$50 nor more than \$100 for each subsequent  
15 offense.

16 <sup>343.07 (7)</sup> (b) Upon receiving notice of a person's conviction for a violation of sub. (1g) (a),  
17 (bm), or (d), (1j), or (4) (b) 1. or 2., the department shall notify any adult sponsor who  
18 has signed for the person under s. 343.15 (1) of the conviction.

19 **SECTION 11.** 343.085 (2m) (a) 1. b. of the statutes is amended to read:

20 343.085 (2m) (a) 1. b. A person who meets the requirements under s. 343.07  
21 (1g) (a) or (1j).

22 **SECTION 12.** 343.09 of the statutes is created to read:

23 **343.09 Driver cards. (1)** Except as provided in s. 343.06 (1) (a) to (k) and (m),  
24 the department shall issue a driver card to any applicant who meets all of the  
25 following requirements:

SECTION #. 343.07 (7) (b); Am

1 (a) Notwithstanding s. 343.085 (1) (b), the applicant is at least 18 years of age,  
2 unless the applicant has held an instruction permit issued under s. 343.07 (1j) for not  
3 less than 6 months and, during the 6-month period immediately preceding  
4 application, has not committed a moving violation resulting in a conviction.

5 (b) The applicant meets all requirements under s. 343.16 (1) (a) for issuance of  
6 an operator's license authorizing operation of "Class D" vehicles.

7 (c) The applicant provides proof of identity.

8 (d) The applicant provides proof that he or she has been a resident for at least  
9 6 months.

10 (e) The applicant is unable to provide the documentary proof described in s.  
11 343.14 (2) (er).

12 (f) The applicant provides a valid individual taxpayer identification number  
13 issued by the federal Internal Revenue Service.

14 (g) The applicant is not eligible to receive a social security number.

15 (h) The applicant has paid all applicable fees.

16 **(2)** Driver cards shall clearly state on their face in bold lettering, and shall also  
17 be encoded in the cards' machine readable zone, that they may not be accepted by any  
18 federal agency for federal identification or any other official purpose. Driver cards  
19 shall have a unique design or color indicator that clearly distinguishes them from  
20 other operator's licenses or identification cards issued by the department and that  
21 alerts federal agency and other law enforcement personnel that they may not be  
22 accepted for federal identification or any other official purpose.

23 **(3)** A driver card issued under this section authorizes the operation of only  
24 "Class D" vehicles and may not be endorsed to permit operation of the vehicle types  
25 described in s. 343.04 (2).

1           **(4)** Notwithstanding s. 343.20 (1) (a), a driver card issued under this section  
2 shall expire 2 years from the date of the applicant's last birthday and, upon renewal,  
3 shall expire 2 years from the driver card's last expiration date. Notwithstanding the  
4 8-year period specified in ss. 343.14 (3) and 343.16 (3) (a), a driver card may not be  
5 renewed unless the applicant, every 2 years, passes the eyesight examination  
6 specified in s. 343.16 (3) (a) and has his or her photograph taken as provided in s.  
7 343.14 (3).

8           **(5)** An applicant under this section is subject to the full applicable fees specified  
9 in s. 343.21 (1), without proration based upon the valid period of the driver card.

10           **(6)** Sections 343.06 (1) (L), 343.14 (2) (bm), (br), (em), and (er), 343.20 (1) (f) and  
11 (1m), and 343.234 do not apply with respect to a driver card issued under this section,  
12 and the incorporation or reference of any of these provisions in another statutory unit  
13 shall not result in the application of any of these provisions with respect to a driver  
14 card.

15           **(7)** The department shall promulgate rules specifying the standards for the  
16 issuance of driver cards, including standards for proof of residency and for proof of  
17 identification. These rules shall also apply to driver card instruction permits under  
18 s. 343.07 (1j). The department shall, by rule, specify applicable moving violations for  
19 purposes of sub. (1) (a).

20           **SECTION 13.** 343.09 (1) (e), <sup>is</sup> (6) and (7) of the statutes, as created by 2011  
21 Wisconsin Act .... (this act), <sup>are</sup> amended to read:

22           343.09 (1) (e) The applicant is unable to provide the documentary proof  
23 described in s. 343.14 (2) ~~(er)~~ (es) or otherwise satisfy the requirements under s.  
24 343.165.

SECTION #. 343.09 (6) of the statutes, as created by 2011 Wisconsin Act .... (this act), is amended to read:

SECTION 13

1 343.09 (6) Sections 343.03 (3m), 343.06 (1) (L), 343.14 (2) (bm), (br), (em), and ~~(er)~~ (es),  
2 343.165, 343.20 (1) (f) and (1m), and 343.234 do not apply with respect to a driver card  
3 issued under this section, and the incorporation or reference of any of these  
4 provisions in another statutory unit shall not result in the application of any of these  
5 provisions with respect to a driver card.

6 343.09 (7) The department shall promulgate rules specifying the standards for the  
7 issuance of driver cards, including standards for proof of residency and for proof of  
8 identification. These rules shall also apply to driver card instruction permits under  
9 s. 343.07 (1j). The department shall, by rule, specify applicable moving violations for  
10 purposes of sub. (1) (a). The department may not promulgate any rule that has the  
11 effect of imposing document storage and verification requirements similar to those  
12 under s. 343.165 in connection with the issuance of driver cards or driver card  
13 instruction permits.

14 SECTION 14. 343.17 (1) of the statutes, as affected by 2007 Wisconsin Act 20,  
15 is amended to read:

16 343.17 (1) LICENSE ISSUANCE. Subject to s. ss. 343.09 and 343.165, the  
17 department shall issue an operator's license and endorsements, as applied for, to  
18 every qualifying applicant who has paid the required fees.

19 SECTION 15. 343.17 (3) (a) 14. of the statutes is created to read:

20 343.17 (3) (a) 14. For a driver card issued under s. 343.09, the information  
21 specified in s. 343.09 (2).

22 SECTION 16. 343.19 (title) of the statutes is amended to read:

23 343.19 (title) Duplicate licenses or identification cards or certificates.

24 SECTION 17. 343.19 (1) of the statutes, as affected by 2007 Wisconsin Act 20,  
25 is amended to read:

SECTION #. 343.09 (7) of the statutes, as created by  
2011 Wisconsin Act .... (this act), is amended to  
read: ~~FF~~

343.19 (1) If a license issued under this chapter or, an identification card issued under s. 343.50, or an identification certificate issued under s. 343.505 is lost or destroyed or the name or address named in the license or, identification card, or identification certificate is changed or the condition specified in s. 343.17 (3) (a) 12. or 13. or 343.505 (3) (b) 9. no longer applies, the person to whom the license or, identification card, or identification certificate was issued may obtain a duplicate thereof or substitute therefor upon furnishing proof satisfactory to the department of full legal name and date of birth and that the license or, identification card, or identification certificate has been lost or destroyed or that application for a duplicate license or, identification card, or identification certificate is being made for a change of address or name or because the condition specified in s. 343.17 (3) (a) 12. or 13. or 343.505 (3) (b) 9. no longer applies. If the applicant is a male who is at least 18 years of age but less than 26 years of age, the application shall include the information required under s. 343.14 (2) (em). If the original license or identification card is found it shall immediately be transmitted to the department.

16           **SECTION 18.** 343.19 (2) (intro.) of the statutes is amended to read:

17            343.19 (2) (intro.) No person may knowingly make a false statement or fail to  
18            return the original license or identification card, or identification certificate to the  
19            department upon finding it or fail to comply with any other requirement of this  
20            section relating to an application for any of the following:

21           **SECTION 19.** 343.19 (2) (c) of the statutes is created to read:

22 343.19 (2) (c) A duplicate identification certificate.

23           **SECTION 20.** 343.22 (2) of the statutes, as affected by 2007 Wisconsin Act 20,  
24       is repealed and recreated to read:



1           343.22 (2) Whenever any person, after applying for or receiving a license under  
2 this chapter, an identification card under s. 343.50, or an identification certificate  
3 under s. 343.505, moves from the address named in the application or in the license,  
4 identification card, or identification certificate issued to him or her or is notified by  
5 the local authorities or by the postal authorities that the address so named has been  
6 changed, the person shall, within 30 days thereafter, do one of the following:

7           (a) Apply for a duplicate license, identification card, or identification certificate  
8 showing on the application the correct full legal name and address. The licensee,  
9 identification card holder, or identification certificate holder shall return the current  
10 license, identification card, or identification certificate to the department along with  
11 the application for duplicate.

12           (b) In lieu of applying for a duplicate license, identification card, or  
13 identification certificate, notify the department in writing of his or her change of  
14 address. This paragraph does not apply to persons issued a commercial driver  
15 license.

16           **SECTION 21.** 343.22 (2m) of the statutes, as affected by 2007 Wisconsin Act 20,  
17 section 3274, is repealed and recreated to read:

18           343.22 (2m) Whenever any person, after applying for or receiving a license  
19 under this chapter, an identification card under s. 343.50, or an identification  
20 certificate under s. 343.505, is notified by the local authorities or by the postal  
21 authorities that the address named in the application or in the license, identification  
22 card, or identification certificate issued to him or her has been changed and the  
23 person applies for a duplicate license, identification card, or identification certificate  
24 under sub. (2), no fees shall be charged under s. 343.21 (1) (L) and (n), 343.50 (5m)

1 and (7), or s. 343.505 (4) (a) 2. for the duplicate license, identification card, or  
2 identification certificate. ✓

3 **SECTION 22.** 343.22 (3) of the statutes, as affected by 2007 Wisconsin Act 20,  
4 section 3276, is repealed and recreated to read:

5 343.22 (3) When the name of a licensee, identification card holder, or  
6 identification certificate holder is changed, such person shall, within 30 days  
7 thereafter, apply for a duplicate license, identification card, or identification  
8 certificate showing the correct full legal name and address. The licensee,  
9 identification card holder, or identification certificate holder shall return the current  
10 license, identification card, or identification certificate to the department along with  
11 the application for a duplicate. If the licensee holds more than one type of license  
12 under this chapter, the licensee shall return all such licenses to the department along  
13 with one application and fees for a duplicate license for which the licensee may be  
14 issued a duplicate of each such license.

15 **SECTION 23.** 343.235 (title) of the statutes is amended to read: ✓

16 **343.235 (title) Access to license and identification card and certificate**  
17 **records.** ✓

18 **SECTION 24.** 343.237 (title) of the statutes is amended to read:

19 **343.237 (title) Access to license and identification card and certificate**  
20 **photographs and fingerprints.** ✓

21 **SECTION 25.** 343.237 (2) of the statutes, as affected by 2009 Wisconsin Act 167,  
22 section 3, is repealed and recreated to read:

23 343.237 (2) Any photograph taken of an applicant under s. 343.14 (3), 343.50  
24 (4), or 343.505 (2) (b), and any fingerprint taken of an applicant under s. 343.12 (6)  
25 (b), may be maintained by the department and, except as provided in this section and

1 s. 165.8287, shall be kept confidential. Except as provided in this section and s.  
2 165.8287, the department may release a photograph or fingerprint only to the person  
3 whose photograph or fingerprint was taken or to the driver licensing agency of  
4 another jurisdiction.

5 **SECTION 26.** 343.237 (3) (intro.) of the statutes, as affected by 2007 Wisconsin  
6 Act 20, is repealed and recreated to read:

7 343.237 (3) (intro.) The department shall provide a Wisconsin law enforcement  
8 agency or a federal law enforcement agency with a print or electronic copy of a  
9 photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3),  
10 343.50 (4), or 343.505 (2) (b), or a printed or electronic copy of a fingerprint taken of  
11 an applicant under s. 343.12 (6) (b), if the department receives a written request on  
12 the law enforcement agency's letterhead that contains all of the following:

13 **SECTION 27.** 343.237 (6) of the statutes is amended to read:

14 343.237 (6) For each copy of a photograph or fingerprint provided under sub.  
15 (3) or (4), the department shall record and maintain the written request for the copy  
16 of the photograph or fingerprint and may not disclose any record or other information  
17 concerning or relating to the written request to any person other than a court, district  
18 attorney, county corporation counsel, city, village, or town attorney, law enforcement  
19 agency, driver licensing agency of another jurisdiction, the applicant or identification  
20 card or identification certificate holder or, if the applicant or identification card or  
21 identification certificate holder is under 18 years of age, his or her parent or  
22 guardian.

23 **SECTION 28.** 343.43 (2) of the statutes is amended to read:

24 343.43 (2) Whenever a license ~~or~~ identification card which, or identification  
25 certificate that appears to be altered is displayed to a law enforcement officer, agent

1 of the secretary or the court, that person shall take possession of the license or,  
2 identification card, or identification certificate and return it to the department for  
3 cancellation. A notation of change of address properly endorsed on the license under  
4 s. 343.22 shall not of itself be reason to consider the license altered.

5 **SECTION 29.** 343.505 of the statutes is created to read:

6 **343.505 Identification certificates. (1) ISSUANCE.** (a) The department shall  
7 issue, as provided in this section, identification certificates to eligible applicants  
8 upon proper application and payment of all required fees.

9 (b) A person is eligible for an identification certificate under this section if the  
10 person is a resident of this state and does not possess a valid operator's license or  
11 identification card issued under this chapter.

12 **(2) APPLICATION.** (a) Every application to the department for an identification  
13 certificate or for renewal of an identification certificate shall be made upon the  
14 appropriate form furnished by the department and shall be accompanied by all  
15 required fees. The application for an identification certificate shall include all of the  
16 following:

17 1. The applicant's color of eyes, color of hair, sex, height, weight, and race.

18 2. a. Except as provided in subd. 2. b., the applicant's social security number.

19 b. If the applicant does not have a social security number, a statement made  
20 or subscribed under oath or affirmation, on a form prescribed by the department,  
21 that the applicant does not have a social security number. An identification  
22 certificate issued or renewed in reliance on a statement submitted under this subd.

23 2. b. is invalid if the statement is false.

24 3. A statement as to whether the applicant holds any valid operator's license  
25 or identification card issued by this state or any other jurisdiction.

Insert  
15-4

1           4. A designation or reversal of a designation under s. 85.103 (2), if the applicant  
2 chooses to make such designation or reversal.

3           5. Satisfactory proof of the applicant's name and date of birth.

4           6. Such further information as the department may reasonably require to  
5 enable it to identify the applicant and to determine whether the applicant is entitled  
6 by law to an identification certificate.

7           (b) 1. Except as provided in subd 2., the department shall, as part of the  
8 application process, take a photograph of the applicant, which shall appear on the  
9 identification certificate as provided in sub. (3). Except as provided in subd. 2., no  
10 application may be processed without the photograph being taken.

11           2. An application for an identification certificate may be processed and an  
12 original or renewal identification certificate issued under this section without a  
13 photograph being taken if the applicant provides to the department an affidavit  
14 stating that the applicant has a sincerely held religious belief against being  
15 photographed; identifying the religion to which he or she belongs or the tenets of  
16 which he or she adheres to; stating that the tenets of the religion prohibit him or her  
17 from being photographed; and stating that he or she requests the identification  
18 certificate for the purpose of voting.

19           (c) Names, addresses, and social security numbers obtained by the department  
20 under this subsection shall be provided to the department of revenue for the purpose  
21 of administering ss. 71.93 and 71.935 and state taxes.

22           **(3) DESIGN AND CONTENTS OF IDENTIFICATION CERTIFICATES.** (a) Identification  
23 certificates shall be the same size as an operator's license but shall be of a design that  
24 is readily distinguishable from the design of operator's licenses and identification  
25 cards. Each identification certificate shall bear upon it the words

1 “IDENTIFICATION CERTIFICATE.” Identification certificates shall clearly state  
2 on their face that they may not be accepted by any federal agency for federal  
3 identification or any other official purpose and shall use a unique design or color  
4 indicator to alert federal agency and other law enforcement personnel that they may  
5 not be accepted for any such purpose.

6 (b) The front side of the identification certificate shall include all of the  
7 following:

- 8 1. The name, date of birth, and residence address of the person.
- 9 2. Except as provided in sub. (2) (b) 2., a color photograph of the person.
- 10 3. A physical description of the person, including sex, height, weight, and hair  
11 and eye color, but excluding any mention of race.
- 12 4. The person’s signature.
- 13 5. The name of this state.
- 14 6. A unique identifying identification certificate number assigned by the  
15 department.
- 16 7. The date of issuance of the identification certificate.
- 17 8. The date of expiration of the identification certificate.
- 18 9. If the person has not attained the legal drinking age, as defined in s. 125.02  
19 (8m), at the time of issuance of the identification certificate, a distinctive appearance  
20 specified by the department that clearly identifies to the public that the person had  
21 not attained the legal drinking age at the time of issuance of the identification  
22 certificate.

23 **(4) VALID PERIOD; FEES.** (a) 1. The fee for an original identification certificate,  
24 for renewal of an identification certificate, and for reinstatement of an identification  
25 certificate after cancellation is \$18.

1           2. The fee for a duplicate identification certificate is \$6.

2           (b) An original or reinstated identification certificate shall be valid for the  
3           succeeding period of 8 years from the applicant's next birthday after the date of  
4           issuance, and a renewed identification certificate shall be valid for the succeeding  
5           period of 8 years from the certificate's last expiration date.

6           (c) At least 30 days prior to the expiration of an identification certificate, the  
7           department shall provide to the certificate holder notice of renewal of the certificate  
8           either at the certificate holder's last-known address or, if desired by the certificate  
9           holder, by any electronic means available to the department.

10          **(5) RECORDS AND OTHER INFORMATION.** (a) The department shall maintain  
11          records of all identification certificate holders under this section in a manner  
12          prescribed by the department by rule.

13          (b) The department may not disclose any record or other information  
14          concerning or relating to an applicant or identification certificate holder to any  
15          person other than a court, district attorney, county corporation counsel, city, village  
16          or town attorney, law enforcement agency, driver licensing agency of another  
17          jurisdiction, or the applicant or identification certificate holder. Except for  
18          photographs for which disclosure is authorized under s. 343.237, persons entitled to  
19          receive any record or other information under this paragraph shall not disclose the  
20          record or other information to other persons or agencies. This paragraph does not  
21          prohibit the disclosure of a person's name or address, of the name or address of a  
22          person's employer, or of financial information that relates to a person when  
23          requested under s. 49.22 (2m) by the department of children and families or a county  
24          child support agency under s. 59.53 (5).

1           **(6) CANCELLATION.** (a) The department shall cancel an identification certificate  
2 under any of the following circumstances:

3           1. Whenever the department determines that the identification certificate was  
4 issued upon an application that contains a false statement as to any material matter.

5           2. Whenever the department determines that an identification certificate has  
6 been altered and returned for cancellation under s. 343.43 (2).

7           (b) The department may order any person whose identification certificate has  
8 been canceled to surrender the certificate to the department. The department may  
9 take possession of any identification certificate required to be canceled or may direct  
10 any traffic officer to take possession of the identification certificate and return it to  
11 the department.

12           **(7) UNLAWFUL USE.** No person may do any of the following:

13           (a) Represent as valid any canceled, fictitious, or fraudulently altered  
14 identification certificate.

15           (b) Sell or lend his or her identification certificate to any other person or  
16 knowingly permit the use of his or her identification certificate by another.

17           (c) Represent as one's own, any identification certificate not issued to him or  
18 her.

19           (d) Permit any unlawful use of an identification certificate issued to him or her.

20           (e) Reproduce by any means whatever an identification certificate.

21           (f) Deface or alter an identification certificate.

22           **(8) PENALTY.** Any person who fails to comply with an order under sub. (6) (b)  
23 or who violates sub. (7) may be required to forfeit not more than \$1,000.

24           **(9) RULES.** The department shall promulgate rules to administer and enforce  
25 this section. Subject to subs. (2) and (3), these rules shall prescribe the form of the



1 application for an identification certificate and specify the form and contents of the  
2 identification certificate. The rules shall require the design of identification  
3 certificates to be resistant to tampering and forgery. The rules shall also incorporate  
4 the requirements under sub. (5) (a).

5 **SECTION 30. Nonstatutory provisions.**

6 (1) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting  
7 information under section 16.42 of the statutes for purposes of the 2013-15 biennial  
8 budget bill, the department of transportation shall submit information concerning  
9 the appropriation under section 20.395 (5) (cq) of the statutes as though the total  
10 amount appropriated under section 20.395 (5) (cq) of the statutes for the 2012-13  
11 fiscal year was \$669,800 less than the total amount that was actually appropriated  
12 under section 20.395 (5) (cq) for the 2012-13 fiscal year.

13 **SECTION 31. Fiscal changes.**

14 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
15 to the department of transportation under section 20.395 (5) (cq) of the statutes, as  
16 affected by the acts of 2011, the dollar amount is increased by \$602,000 for the first  
17 fiscal year of the fiscal biennium in which this subsection takes effect to increase the  
18 authorized FTE positions for the department by 8.5 SEG positions and by 14.6 SEG  
19 project positions and to provide funding to prepare for implementation of a system  
20 for the issuance of driver cards and driver card instruction permits. In the schedule  
21 under section 20.005 (3) of the statutes for the appropriation to the department of  
22 transportation under section 20.395 (5) (cq) of the statutes, as affected by the acts of  
23 2011, the dollar amount is increased by \$1,782,000 for the second fiscal year of the  
24 fiscal biennium in which this subsection takes effect to provide continued funding for  
25 the positions authorized under this subsection and for the implementation and

1 ~~administration of a system for the issuance of driver cards and driver card~~  
2 ~~instruction permits.~~

3 **SECTION 32. Effective dates.** This act takes effect on the first day of the 6th  
4 month beginning after publication, except as follows:

5 (b) The amendment of sections 85.103 (2), 125.085 (1) (f), 134.71 (8) (a) 2.,  
6 139.30 (4n), 343.09 (1) (e), (6), and (7), 343.17 (1), 343.19 (title), (1), and (2) (intro.),  
7 343.235 (title), 343.237 (title) and (6), and 343.43 (2) of the statutes, the repeal and  
8 recreation of sections 343.22 (2), (2m), and (3) and 343.237 (2) and (3) (intro.) of the  
9 statutes, and the creation of sections 343.19 (2) (c) and 343.505 (1) to (8) of the  
10 statutes take effect on the first day of the 6th month beginning after publication, or  
11 on the date on which the creation of section 343.165 of the statutes by 2007 Wisconsin  
12 Act 20 takes effect, whichever is later.

13 (2) SECTION 31 (1) of this act takes effect on the day after publication.  
14

(END)

and subchapter V (title)  
of chapter 343

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0321/P1ins  
ARG:.....

**INSERT ANAL:**

**TRANSPORTATION  
DRIVERS AND MOTOR VEHICLES**

**INSERT 5-4:**

**SECTION 1.** 165.8287 (2) of the statutes, as created by 2009 Wisconsin Act 167, is amended to read:

165.8287 (2) Upon electronic request, the department of transportation shall make available to the department of justice, in a digital format, any photograph taken of an applicant under s. 343.14 (3) ~~or~~, 343.50 (4), or 343.505 (2) (b) that is maintained by the department of transportation. Updated photographs shall be available to the department of justice within 30 days of photograph capture.

History: 2009 a. 167.

**SECTION 2.** 165.8287 (3) (d) of the statutes, as created by 2009 Wisconsin Act 167, is amended to read:

165.8287 (3) (d) The department of justice shall maintain a record, which may be electronic, of each request by a law enforcement agency for a photograph under this subsection and of the response to the request. Except as provided in s. 343.237 (9), the department of justice may not disclose any record or other information concerning or relating to the request to any person other than a court, district attorney, county corporation counsel, city, village, or town attorney, law enforcement agency, the applicant under s. 343.14 (3) ~~or~~, 343.50 (4), or 343.505 (2) (b), or, if the

applicant is under 18 years of age, his or her parent or guardian. Records maintained under this paragraph shall be maintained for at least 12 months.

History: 2009 a. 167.

**INSERT 15-4:**

**SECTION 3.** Subchapter V (title) of chapter 343 [precedes 343.50] of the statutes is amended to read:

**CHAPTER 343**

**SUBCHAPTER V**

**IDENTIFICATION CARDS AND CERTIFICATES**

**INSERT 21-4:**

**SECTION 9448. Effective dates; Transportation.**

(1) DRIVER CARDS AND IDENTIFICATION CERTIFICATES.

*Change to text: par*  
(a) The treatment of sections 340.01 (41g), 343.03 (3) (f) and (g), 343.06 (1) (c), 343.07 (1j) and (7) (a) and (b), 343.085 (2m) (a) 1.b., and 343.17 (3) (a) 14. of the statutes, and the creation of section 343.09 and 343.505 (9) of the statutes, takes effect on the first day of the 6th month beginning after publication.

**INSERT 21-14:**

*Change to text: par*  
(a) The treatment of section 343.8287 (2) and (3) (d) of the statutes takes effect on March 1, 2011, or on the first day of the 6th month beginning after publication, whichever is later.

**Gary, Aaron**

---

**From:** Hanaman, Cathlene  
**Sent:** Monday, November 22, 2010 11:05 AM  
**To:** Gary, Aaron; Mueller, Eric  
**Subject:** FW: Statutory Language Drafting Request

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**From:** DOADLBASADMININTERNETSHAREPOINT@WI.GOV  
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]  
**Sent:** Monday, November 22, 2010 11:00 AM  
**To:** Hanaman, Cathlene  
**Cc:** Shayna.Hetzel@wisconsin.gov; Thornton, Scott - DOA; Grinde, Kirsten - DOA  
**Subject:** Statutory Language Drafting Request

Topic: REAL ID implementation

Tracking Code: BB0123

SBO Team: TTO

SBO Analyst: Byrnes, Tyler - DOA  
Phone: (608) 266-1039  
E-mail: Tyler.Byrnes@Wisconsin.gov

Agency Acronym: WisDOT

Agency Number: 395

Priority: Medium

Intent:

**DESCRIPTION OF CHANGE:**

The REAL ID Act of 2005 was signed into law on May 11, 2005 and created national standards for the issuance of state driver licenses and state identification (ID) cards. In January 2008, the U.S. Department of Homeland Security (DHS) published final rules providing direction to licensing jurisdictions on implementation issues. The deadline for states to fully comply with REAL ID was extended to May 2011.

The federal REAL ID Act allows states to issue both REAL ID-compliant and non-compliant driver licenses and ID cards as long as the compliant products include the appropriate symbol and the non-compliant cards are marked as such. However, the REAL ID provisions in 2007 Wisconsin Act 20, which will be enacted at the discretion of the Department's Secretary, do not contain the authority for issuance of a non-compliant driver license or ID card once the Department begins issuing compliant products.

The Department requests authority to continue to issue non-compliant products for applicants who are not able to, or choose not to, enroll in REAL ID. This will require a statutory

11/22/2010

modification to Chapter 343, Wis. Stats., to create a subsection in subchapter II and subchapter V that allows for a driver license or ID card to be issued to someone that has not provided a complete application as specified in s. 343.14, Wis. Stats.

The effective date of these changes is the effective date of REAL ID provisions in 2007 Wisconsin Act 20.

Attachments: False